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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TECH CENTER 1600/2900



In re Application of:

Michael Z. Gilman

Serial No: 09/676,834

Filed: September 29, 2000

For: New Application of Gene Therapy
Technology

Attorney Docket No.: APBI-P04-340

#12/a
Art Unit: 1636
3rda
7-16-02

Examiner: W. Sandals

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Commissioner of Patents
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RESPONSE TO RESTRICTION REQUIREMENT AND AMENDMENT

Sir:

In response to the Restriction Requirement, which was mailed from the U.S. Patent and Trademark Office March 26, 2002, in the above-identified patent application, Applicants provisionally elect claims drawn to Group II, e.g., corresponding to claims 1-5, 14-15 and 17-20, drawn to a cell containing a DNA encoding a receptor protein with a ligand binding domain and a DNA encoding angiostatin and a method of use of the cell. Applicants elect this invention with traverse.

It is respectfully submitted that the Examiner's restriction of claims 1-5, 14-15 and 17-20 into Groups I-X is arbitrary. Claim 1 encompasses subject matter based on a cell containing a DNA encoding a receptor protein with a ligand binding domain and a DNA encoding an angiogenesis inhibitor. The scope of claim 1 is in fact broader than the